

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CHARLES GREEN,

Petitioner,

v.

MAGGIE BEIGHTLER, WARDEN,

Respondent.

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Case No. 1:06cv1238

JUDGE KATHLEEN O'MALLEY

ORDER

Charles Green has petitioned this Court for a writ of habeas corpus pursuant to 28 U.S.C. §2254, in which he contends that his sentence violates the Constitution and that he was denied his right to appeal.

Green's petition was referred to a magistrate judge of this Court, pursuant to 28 U.S.C. §636 and Local Rule 72.2(b)(2). The magistrate judge issued a Report and Recommendation ("R&R") (Doc. #16) in which he recommended that Green's petition be denied. Green has not filed any objections to the R&R. Because the Court reaches the same conclusions as the magistrate judge, no further articulation of its reasoning is required. Tuggle v. Seabold, 806 F.2d 87, 92-93 (6th Cir. 1986).

Accordingly, the magistrate judge's R&R is hereby **ADOPTED**. Green's petition is **DENIED**, and his case is **DISMISSED**. Further, the Court finds that Green's assertions fall well short of making the substantial showing of the denial of a constitutional right required by 28 U.S.C. §2253(c). The Court, therefore, finds that there is no basis upon which to issue a certificate of appealability.

**IT IS SO ORDERED.**

**s/Kathleen M. O'Malley**  
**KATHLEEN McDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**

**Dated: August 17, 2007**